

Senate Bill No. 939

CHAPTER 246

An act to amend Section 784.7 of, and to repeal Section 784.8 of, the Penal Code, relating to criminal jurisdiction.

[Approved by Governor August 22, 2014. Filed with
Secretary of State August 22, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

SB 939, Block. Criminal jurisdiction.

Existing law defines human trafficking as the deprivation of the personal liberty of another person with the intent to effect a violation of certain specified sex crimes, to obtain forced labor or services, or to cause a minor to engage in a commercial sex act with the intent to effect a violation of certain specified sex crimes. Existing law requires, when more than one violation of certain specified provisions of law occurs in more than one jurisdictional territory, that jurisdiction for any of those offenses is in any jurisdiction where at least one of the offenses occurred if all district attorneys in counties with jurisdiction of the offenses agree to the venue.

This bill would add human trafficking, pimping, and pandering to the specified offenses to which the above jurisdictional requirements apply.

Existing law, when charges alleging multiple incidences of human trafficking that involve the same victim or victims in multiple territorial jurisdictions are filed in one county, requires the court to hold a hearing to consider whether the matter should proceed in the county of filing or whether one or more counts should be severed and to consider specified factors in making this decision, including the location and complexity of the likely evidence and where the majority of the offenses occurred. Existing law requires the district attorney in the filing county to present evidence to the court that the district attorney in each county where any of the charges could have been filed has agreed that the matter should proceed in the county of filing.

This bill would reorganize these provisions.

The people of the State of California do enact as follows:

SECTION 1. Section 784.7 of the Penal Code is amended to read:

784.7. (a) If more than one violation of Section 220, except assault with intent to commit mayhem, 261, 262, 264.1, 269, 286, 288, 288a, 288.5, or 289 occurs in more than one jurisdictional territory, the jurisdiction of any of those offenses, and for any offenses properly joinable with that offense, is in any jurisdiction where at least one of the offenses occurred, subject to

a hearing, pursuant to Section 954, within the jurisdiction of the proposed trial. At the Section 954 hearing, the prosecution shall present written evidence that all district attorneys in counties with jurisdiction of the offenses agree to the venue. Charged offenses from jurisdictions where there is no written agreement from the district attorney shall be returned to that jurisdiction.

(b) If more than one violation of Section 273a, 273.5, or 646.9 occurs in more than one jurisdictional territory, and the defendant and the victim are the same for all of the offenses, the jurisdiction of any of those offenses and for any offenses properly joinable with that offense, is in any jurisdiction where at least one of the offenses occurred.

(c) If more than one violation of Section 236.1, 266h, or 266i occurs in more than one jurisdictional territory, the jurisdiction of any of those offenses, and for any offenses properly joinable with that offense, is in any jurisdiction where at least one of the offenses occurred, subject to a hearing pursuant to Section 954, within the jurisdiction of the proposed trial. At the Section 954 hearing, the prosecution shall present written evidence that all district attorneys in counties with jurisdiction of the offenses agree to the venue. Charged offenses from jurisdictions where there is no written agreement from the district attorney shall be returned to that jurisdiction. In determining whether all counts in the complaint should be joined in one county for prosecution, the court shall consider the location and complexity of the likely evidence, where the majority of the offenses occurred, the rights of the defendant and the people, and the convenience of, or hardship to, the victim or victims and witnesses.

SEC. 2. Section 784.8 of the Penal Code is repealed.